Remarks:

Regarding the rejection of claims 1 and 3-16 under 35 USC 102(b) as allegedly being anticipated by U.S. Patent No. 5,360,567to Fry et al. (hereinafter "Fry"):
Applicant traverses the Examiner's rejection of claims 1 and 3-16 as allegedly being anticipated by Fry.

Prior to discussing the relative merits of the Examiner's rejection, the applicant points out that unpatentability based on "anticipation" type rejection under 35 USC 102(b) requires that the invention is not in fact new. See *Hoover Group, Inc. v. Custom Metalcraft, Inc.*, 66 F.3d 299, 302, 36 USPQ2d 1101, 1103 (Fed. Cir. 1995) ("lack of novelty (often called 'anticipation') requires that the same invention, including each element and limitation of the claims, was known or used by others before it was invented by the patentee"). Anticipation requires that a *single reference* [emphasis added] describe the claimed invention with sufficient precision and detail to establish that the subject matter existed in the prior art. See, *In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990).

The principle of "inherency," in the law of anticipation, requires that any information missing from the reference would nonetheless be known to be present in the subject matter of the reference, when viewed by persons experienced in the field of the invention. However, "anticipation by inherent disclosure is appropriate only when the reference discloses prior art that must necessarily include the unstated limitation, [or the reference] cannot inherently anticipate the claims." *Transclean Corp. v. Bridgewood Servs., Inc.*, 290 F.3d 1364, 1373 [62 USPQ2d 1865] (Fed. Cir. 2002); *Hitzeman v. Rutter*, 243 F.3d 1345, 1355 [58 USPQ2d 1161] (Fed. Cir. 2001) ("consistent with the law of anticipation, an inherent property must necessarily be present in the invention described by the count, and it must be so recognized by persons of ordinary skill in the art"); *In re Robertson*, 169 F.3d 743, 745 [49 USPQ2d 1949] (Fed. Cir. 1999) (that a feature in the prior art reference "could" operate as claimed does not establish inherency).

Thus when a claim limitation is not explicitly set forth in a reference, evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *Continental Can Co.*, 948 F.2d at 1268. It is not sufficient if a material element or limitation is "merely probably or possibly present" in the prior art. *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295 [63 USPQ2d 1597] (Fed. Cir. 2002). See also, *W.L. Gore v. Garlock, Inc.*, 721 F.2d at 1554 (Fed. Cir. 1983) (anticipation "cannot be predicated on mere conjecture respecting the characteristics of products that might result from the practice of processes disclosed in references"); *In re Oelrich*, 666 F.2d 578, 581 [212 USPQ 323] (CCPA 1982) (to anticipate, the asserted inherent function must be present in the prior art).

The Patent Office alleges that Fry teaches each and every feature of claims 1 and 3-16. Applicant respectfully disagrees with this allegation by the Patent Office.

Anticipation occurs when each and every element of the claims are expressly or inherently disclosed in a single prior art reference. Independent claim 1 has been amended to require that the compressed water-softening composition has hardness of at least 175N.

Fry is directed to a tablet of compacted particulate detergent composition that comprises a detergent-active compound, a detergency builder, and optionally other detergent ingredients (see the Abstract of Fry).

Nowhere does Fry disclose a compressed water-softening composition having a hardness of at least 175N as required by amended claim 1. Instead, Fry is completely silent as to a nature of the hardness of the tablet disclosed therein. Fry, at best, discloses a tablet having a diametral fracture stress of at least 5 kPa, and more preferably at least 7 kPa (see col. 5, lines 38-40 of Fry). However, Fry's teachings regarding a diametral fracture stress of at least 5 kPa or 7 kPa for the tablet does not teach or suggest or lead a skilled person to the present compressed water-softening composition comprising at least one water-

softening active and a blend of disintegrating agents and having hardness of at least 175N as recited in claim 1.

Because the features of independent claim 1 are neither taught nor suggested by Fry, Fry cannot anticipate, and would not have rendered obvious, the features specifically defined in claim 1 and its dependent claims.

For at least these reasons, claims 1 and 3-16 are patentably distinct from and/or non-obvious in view of Fry. Reconsideration and withdrawal of the rejections of the claims under 35 U.S.C. §102(b) are respectfully requested.

Regarding the rejection of claims 1-7 and 14-19 under 35 USC 102(b) as allegedly being anticipated by WO 00/04122 to Holderbaum et al. (hereinafter "Holderbaum"):
Applicant traverses the Examiner's rejection of claims 1-7 and 14-19 as allegedly being anticipated by Holderbaum.

The Patent Office alleges that Holderbaum teaches each and every feature of claims 1-7 and 14-19. Applicant respectfully disagrees with this allegation by the Patent Office.

As discussed above with respect to Fry, independent claim 1 has been amended to require that the compressed water-softening composition has a hardness of at least 175N.

Holderbaum is directed to production of cleaning tablets which include laundry detergent tablets, tablets for machine dishwashing or for cleaning hard surfaces, bleach tablets for use in washing and dishwashing machines, water softening tablets and stain removing tablets (see col. 1, lines 16-24 of Holderbaum).

Holderbaum fails to disclose a compressed water-softening composition having a hardness of at least 175N as required by claim 1. In fact, Holderbaum is completely silent with respect to hardness of cleaning tablets therein.

Because the features of independent claim 1 are neither taught nor suggested by Holderbaum, Holderbaum cannot anticipate, and would not have rendered obvious, the features specifically defined in claim 1 and its dependent claims.

For at least these reasons, claims 1-7 and 14-19 are patentably distinct from and/or non-obvious in view of Holderbaum. Reconsideration and withdrawal of the rejections of the claims under 35 U.S.C. §102(b) are respectfully requested.

Should the Examiner in charge of this application believe that telephonic communication with the undersigned would meaningfully advance the prosecution of this application, they are invited to call the undersigned at their earliest convenience. The early issuance of a *Notice of Allowability* is solicited.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, including any necessary extension of time petition and fee, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;

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CERTIFICATION OF TELEFAX TRANSMISSION:

I hereby certify that this paper is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571 273-8300 on the date shown below:

Andrew N. Parfomak — Date: 12 Nov 2008

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